



Docket No.: 239801US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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RE: Application Serial No.: 10/612,925
Applicants: Takahiro KAWANO, et al.
Filing Date: July 7, 2003
For: SEMICONDUCTOR DEVICE
Group Art Unit: 2811
Examiner: Nadav, O.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 239801US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TAKAHIRO KAWANO ET AL : EXAMINER: NADAV, O.
SERIAL NO: 10/612,925 :
FILED: JULY 7, 2003 : GROUP ART UNIT: 2811
FOR: SEMICONDUCTOR DEVICE :

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SIR:

In response to the election requirement dated September 1, 2004, Applicants provisionally elect with traverse the species of Embodiment 1, identified in the outstanding Official Action as corresponding to Figure 8, for further examination on the merits. Applicants identify Claims 1, 4, 5, 6, 21, 22, 23, 24, 39, 40 and 41 as readable on the elected species. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may

be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-41 be conducted.

Respectfully submitted,

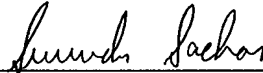
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